IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 870 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DHOBI LAXMIBEN WIDOW OF VASANTLAL DHOBI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 870 of 2003

MR KV SHELAT for Petitioner No. 1

MR NAGESH SOOD, AGP for Respondent No. 1,3

MR PRASHANT G DESAI for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 18/01/2005

ORAL JUDGEMENT

#. Rule. Mr.Nagesh Sood, learned AGP waives service of

rule for respondent nos.1 and 3 and Mr.Prashant G.Desai waives service of rule for the respondent Corporation.

#. In this petition filed under Article 226 of the Constitution of India, the petitioner has challenged the Town Planning Scheme No.23 of Sabarmati, Ahmedabad.

#. Today, when the matter is called out, Mr.K.V.Shelat, learned advocate appearing on behalf of the petitioner, does not press this petition for the prayers made therein. He submitted that the petitioner was in occupation of the land in question prior to 1976 and as per the policy of the Ahmedabad Municipal Corporation, the petitioner is entitled to alternative accommodation. He further submitted that for that purpose, the petitioner would be making necessary representation to the Corporation to satisfy the authority / Corporation that the petitioner was in occupation of the land in question prior to 1976. He submitted that the petitioner would be making necessary representation within a period of two weeks from today along with necessary documents to show that the petitioner was in occupation of the land in question prior to 1976. As and when such representation is made, the respondent Corporation is directed to consider the said representation in light of the policy of the Ahmedabad Municipal Corporation with regard to alternative accommodation and if it is found that the petitioner was in occupation of the land in question prior to 1976, they may consider the case of the petitioner for alternative accommodation. The Corporation is directed to take appropriate decision on its own merits and in accordance with law and considering the policy of the Corporation within a period of four weeks from today on receipt of the representation by the petitioner.

#. Until the appropriate decision is taken by the Corporation on the representation to be submitted by the petitioner, the parties are directed to maintain status quo.

#. Rule is made absolute. No costs. Direct service is permitted.

(M.R.Shah,J)

(pathan)